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Attorneys for Samsung Electronics Co., Ltd.,

Samsung Electronics America, Inc., and

Samsung Research America, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

HUAWEI TECHNOLOGIES CO., LTD., et al.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

CASE NO. 16-cv-02787-WHO

**SAMSUNG'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF ITS MOTION FOR  
SUMMARY JUDGMENT AND  
EXHIBITS THERETO**

SAMSUNG ELECTRONICS CO., LTD. &  
SAMSUNG ELECTRONICS AMERICA, INC.,

Counterclaim-Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., HUAWEI  
TECHNOLOGIES USA, INC., & HISILICON  
TECHNOLOGIES CO., LTD.,

Counterclaim-Defendants.

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants/Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., and Defendant Samsung Research America, Inc. (collectively “Samsung”) bring this administrative motion to file under seal limited portions of their Motion for Summary Judgment and exhibits thereto. Samsung certifies that it has reviewed and complied with Judge Orrick’s Standing Order on Administrative Motions to Seal, as well as Civil Local Rule 79-5.

Samsung requests an order granting its motion to file under seal the materials in the following table:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
Motion for Summary Judgment	Highlighted portions	Huawei (green highlighted portions), Samsung (blue highlighted portions)	Declaration of Cole Malmberg in Support of the Administrative Motion to File Under Seal (“Malmberg Decl.”) ¶ 4
Declaration of Kim Sukryong	The entire document	Samsung	Malmberg Decl. ¶ 8
Declaration of Vijay Madisetti	Highlighted portions	Samsung	Malmberg Decl. ¶ 8
Exhibit B	The entire document	Huawei, Samsung	Malmberg Decl. ¶ 5
Exhibit C	The entire document	Huawei	Malmberg Decl. ¶ 5
Exhibit D	The entire document	Huawei	Malmberg Decl. ¶ 5
Exhibit E	The entire document	Samsung	Malmberg Decl. ¶ 6
Exhibit G	The entire document	Huawei	Malmberg Decl. ¶ 5
Exhibit I	The entire document	Huawei, Samsung	Malmberg Decl. ¶ 5
Exhibit J	The entire document	Huawei, Samsung	Malmberg Decl. ¶ 5
Exhibit L	The entire document	Samsung	Malmberg Decl. ¶ 6
Exhibit M	The entire document	Samsung	Malmberg Decl. ¶ 6
Exhibit N	The entire document	Samsung	Malmberg Decl. ¶ 6
Exhibit O	The entire document	AT&T	Malmberg Decl. ¶ 7
Exhibit P	The entire document	Sprint	Malmberg Decl. ¶ 7
Exhibit Q	The entire document	T-Mobile	Malmberg Decl. ¶ 7

Exhibit R	The entire document	Huawei	Malmberg Decl. ¶ 5
Exhibit S	The entire document	Huawei	Malmberg Decl. ¶ 5

All of the materials identified above for which Samsung is the party claiming confidentiality contain or reference information that Samsung has designated as “Highly Confidential – Attorneys’ Eyes Only” because it is confidential, nonpublic, and competitively sensitive in nature. *See* Malmberg Decl. ¶¶ 4-6. For the convenience of the Court, redactions of material subject to a claim of confidentiality by Samsung are highlighted in blue in the foregoing documents that are being filed partially under seal with the Court. All of the materials identified above for which Huawei or a third party is the party claiming confidentiality have been designated as “Highly Confidential – Attorneys’ Eyes Only” by that party. *See* Malmberg Decl. ¶¶ 5, 7. For the convenience of the Court, redactions of material subject to a claim of confidentiality by Huawei are highlighted in green in the foregoing documents that are being filed partially under seal with the Court.

Dispositive motions and related materials may be sealed in the 9th Circuit upon a showing that there are “compelling reasons” to seal the information. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). A party has “compelling reasons” to seal information in a filing when disclosure of that information would “release trade secrets,” *Kamakana*, 447 F.3d at 1179, or when the material would disclose “sources of business information that might harm a litigant’s competitive standing.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978). In this District, Civil L.R. 79-5(b) requires that the party moving to seal “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” and that the corresponding motion to seal “be narrowly tailored to seek sealing only of sealable material.”

Samsung only seeks to seal information that contains trade secrets or would disclose sources of business information that might harm Samsung’s competitive standing. *See* Malmberg Decl. ¶¶ 4-6. This sealing request is therefore narrowly tailored to only sealable material and does not indiscriminately seek to seal other, non-sealable portions of the Motion for Summary

1 Judgment and exhibits thereto. Samsung therefore respectfully requests that the Court order  
2 sealed the materials identified above.

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4 Dated: July 3, 2018

Respectfully Submitted,

5 By: /s/ Victoria F. Maroulis

6 Charles K. Verhoeven

7 David A. Perlson

8 Kevin Johnson

Victoria Maroulis

9 *Attorneys for Samsung Electronics Co., Ltd.,*  
10 *Samsung Electronics America, Inc., and*  
11 *Samsung Research America, Inc.*  
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